

JUDICIARY

FINANCIAL SUMMARY

	FY 2004 EXPENDITURE	FY 2005 APPROPRIATION	FY 2006 REQUEST	GOVERNOR RECOMMENDS FY 2006
Supreme Court	\$ 4,427,691	\$ 6,827,810	\$ 7,466,058	\$ 7,118,938
Office of State Courts Administrator	21,359,452	31,786,512	31,198,744	27,680,140
Courts of Appeal	9,957,500	10,158,294	10,766,556	10,061,085
Circuit Courts	109,665,205	114,825,032	129,900,210	115,893,086
Drug Courts	3,303,377	3,321,500	8,835,614	3,321,500
Commission on Retirement, Removal, and Discipline of Judges	180,389	193,161	193,161	194,665
Appellate Judicial Commission	15,993	7,741	21,841	21,841
TOTAL	\$ 148,909,607	\$ 167,120,050	\$ 188,382,184	\$ 164,291,255
General Revenue Fund	136,982,040	140,830,307	166,288,530	142,142,827
Federal Funds	6,186,858	17,082,777	12,881,488	12,918,360
Third Party Liability Collections Fund	272,680	356,912	356,912	359,201
Statewide Court Automation Fund	4,331,611	5,009,944	5,009,944	5,024,091
Supreme Court Publications Revolving Fund	107,691	150,000	150,000	150,000
Missouri CASA Fund	101,332	200,000	100,000	100,000
Crime Victims' Compensation Fund	351,999	632,000	887,200	887,200
Basic Civil Legal Services Fund	0	2,085,710	2,085,710	2,086,461
Supreme Court Administrative Revolving Fund	95,926	180,000	230,000	230,000
Domestic Relations Resolution Fund	479,470	592,400	392,400	393,115
Full-time equivalent employees	3,296.77	3,368.47	3,829.11	3,374.05

POLICY SUMMARY

Governor Blunt's Fiscal Year 2006 budget provides a total of \$164.3 million for the Judiciary. The Judiciary ensures Missourians have an equitable and accessible forum for the adjudication of civil disputes and criminal charges.

Continuing Court Automation

Initiated by legislation in 1994, the Missouri Court Automation project uses information technology to address the problems associated with crowded dockets, crime rates, complex civil litigation, increasing statutory reporting requirements, and rapidly growing domestic relations caseloads. The fundamental strategic goal is to build an integrated court system that renders geography largely irrelevant with greater efficiency, wider access, and enhanced accountability for the litigant and taxpayer.

During Fiscal Year 2005, an additional 4.6 percent of the circuit court caseload and 24.5 percent of the juvenile caseload were added to the courts' case management system. After additional caseloads are integrated into the system, ongoing funds are required to maintain the information system's components and sustain the increased capacity.

The Governor recommends \$255,200 in other funds for ongoing costs to support statewide court automation.

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SUPREME COURT

The Supreme Court has exclusive appellate jurisdiction in all cases involving: the validity of a treaty or statute of the United States or of a statute or provision of the Missouri Constitution; the construction of the state's revenue laws; the title to any state office; and, in all cases, where the punishment imposed is death. In addition, the court may order cases transferred to it from the Court of Appeals if the cases involve questions of general interest or importance, if the court thinks the existing law should be reexamined, if the opinion conflicts with prior opinions, or for other reasons provided by rule of the court. The Court of Appeals also may order a case transferred to the Supreme Court after opinion either by order of the Court of Appeals itself, or by the dissent of a court of appeals judge.

The court is also authorized by the Constitution to establish rules for practice and procedure in the courts and to make temporary transfers of judicial personnel. In addition to its decision-making powers, the Supreme Court supervises all lower courts in the state, (assisted by the Office of State Courts Administrator) licenses all lawyers practicing in Missouri, and disciplines those found guilty of violating the Rules of Professional Conduct.

Fiscal Year 2006 Governor's Recommendations

- \$99,393 federal funds and two staff to execute expanded duties for the Sentencing Advisory Commission as mandated in SB 5 (2003).
- \$39,375 for pay plan, including \$34,508 general revenue.
- \$152,360 federal funds transferred from the Office of the State Courts Administrator.

OFFICE OF STATE COURTS ADMINISTRATOR

The Office of State Courts Administrator fulfills the administrative obligations of the Supreme Court, which are mandated under the judicial article and the statutes. Staff of the office provides technical assistance, statistical analysis, financial system analysis, and continuing education functions for the courts. The office assists in policy direction for the Statewide Judicial Information System (SWJIS), collects and analyzes caseload data from the courts, develops and operates appellate and circuit record-keeping systems, develops and operates administrative systems, prepares the judicial budget, and maintains the personnel system for the courts. The office processes payrolls for all state-paid circuit court employees and all other state expenditures of the Supreme Court and circuit courts.

Fiscal Year 2006 Governor's Recommendations

- \$255,200 other funds to continue support of automated case management.
- \$46,958 federal funds and one staff to implement the provisions of HB 1454 (2004) relating to timely permanency planning for juveniles.
- \$91,470 for pay plan, including \$57,821 general revenue.
- (\$4,347,640) federal funds core reduction from the Fiscal Year 2005 appropriation level.
- (\$152,360) federal funds transferred to the Supreme Court for the Sentencing Advisory Commission.

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COURT OF APPEALS

Missouri's current appellate structure—a single Court of Appeals consisting of three districts—was established by a 1970 constitutional amendment. The Eastern District sits in St. Louis, the Western District sits in Kansas City, and the Southern District holds sessions in Springfield and Poplar Bluff. The number of judges in each district is set by statute. The Eastern District has 14 judges, the Western District has 11 judges, and the Southern District has 7 judges.

The Court of Appeals may issue and determine original remedial writs and has general appellate jurisdiction in all cases not within the exclusive jurisdiction of the Supreme Court. Cases not within the Supreme Court's exclusive jurisdiction may be transferred from the Court of Appeals to the Supreme Court when it is determined that a case involves an important issue that should be decided by the state's highest court.

Fiscal Year 2006 Governor's Recommendations

- \$87,898 for pay plan.
- (\$185,107) transferred to the statewide leasing budget.

	FY 2004 EXPENDITURE	FY 2005 APPROPRIATION	GOVERNOR RECOMMENDS FY 2006
Western District	\$ 3,371,818	\$ 3,422,833	\$ 3,452,758
Eastern District	4,330,720	4,436,105	4,475,665
Southern District	2,254,962	2,299,356	2,132,662
TOTAL	\$ 9,957,500	\$ 10,158,294	\$ 10,061,085
Personal Service	8,488,817	8,789,898	8,877,796
Expense and Equipment	1,468,683	1,368,396	1,183,289
TOTAL			
General Revenue Fund	\$ 9,957,500	\$ 10,158,294	\$ 10,061,085

Full-time equivalent employees	154.63	158.85	158.85
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CIRCUIT COURTS

Circuit courts are established by Article V, Section 1 of the Constitution of Missouri. The boundaries, circuit number, and inclusive counties of the 45 circuits are established by Chapter 478, RSMo. The circuit court is the exclusive trial court in Missouri. It is comprised of circuit judges, associate circuit judges, and municipal judges. Municipalities under 400,000 population may, and those over 400,000 must, make provision for judges to hear municipal ordinance violations. If such provision is not made, municipalities will file such cases before an associate circuit judge.

Fiscal Year 2006 Governor's Recommendations

- \$124,260 and two staff for an additional judge and support clerk for the 11th circuit, St. Charles County, pursuant to Section 478.320, RSMo.
- \$56,000 and .58 staff for full year funding of an additional judge and support clerk for the 23rd circuit, Jefferson County, pursuant to Section 478.320, RSMo.
- \$50,000 other funds for entitlement programs such as transcription fees and courtroom interpreters.
- \$26,928 for statutory salary increases for circuit clerks in four counties that moved into a new classification on January 1st, 2005 (Butler, Lincoln, Newton, and Scott counties)
- \$1,110,866 for pay plan, including \$1,094,608 general revenue.
- (\$300,000) other funds core reduction from the Fiscal Year 2005 appropriation level.

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DRUG COURTS

The main purpose of a drug court program is to use the authority of the court to reduce crime by changing defendants' drug-using behavior. Under this concept, defendants are diverted to drug court programs in various ways and at various stages of the judicial process, depending on the circumstances. Drug courts provide the court system an additional tool to reduce the number of people coming into the court and penal systems because of substance abuse by reducing the rate of recidivism. Additionally, providing drug treatment programs decreases the negative consequences of drug abuse such as a reduction in the number of additional cases filed involving family disputes, abuse and neglect, truancy, property crimes, and crimes of violence.

In 1998, the legislature passed HB 1147, which allows any circuit to establish a drug court that shall combine judicial supervision, drug testing, and treatment of drug court participants. House Bill 471, passed by the General Assembly in 2001, established a "Drug Court Coordinating Commission" (DCCC), composed of eight members: one member selected by the director of the Department of Corrections; one member selected by the director of the Department of Social Services; one member selected by the director of the Department of Mental Health; one member selected by the director of the Department of Public Safety; one member selected by the Office of State Courts Administrator; and three members selected by the Supreme Court. The commission is to evaluate, secure, coordinate, and allocate funding resources to the various drug courts around the state.

Fiscal Year 2006 Governor's Recommendations

Continue funding at the current level.

COMMISSION ON RETIREMENT, REMOVAL, AND DISCIPLINE OF JUDGES

The Commission on Retirement, Removal, and Discipline of Judges, authorized in Article V, Section 24 of the Missouri Constitution, receives and investigates all requests and suggestions concerning retirement for disability and all complaints concerning misconduct of judges, members of the judicial commissions, and members of this commission. The commission is composed of two citizens who are not members of the bar and who are appointed by the Governor, two lawyers appointed by the governing body of the Missouri Bar, one judge of the Courts of Appeal selected by a majority of the judges of the Courts of Appeal, and one judge of the circuit courts selected by a majority of the circuit judges of this state.

Fiscal Year 2006 Governor's Recommendations

- \$1,504 for pay plan.

APPELLATE JUDICIAL COMMISSION

The Appellate Judicial Commission consists of a judge of the Supreme Court, one member of the bar from each appeals district, and one citizen not a member of the bar from each appeals district. The commission considers vacant judgeships of the Supreme Court or the Courts of Appeal. The Circuit Judicial Commission consists of the chief judge of the Courts of Appeal over the district, two members of the bar residing in the judicial circuit, and two citizens not members of the bar residing in the circuit. This commission considers vacancies in the office of circuit judge or associate circuit judge in those districts subject to nonpartisan selection of judges.

Fiscal Year 2006 Governor's Recommendations

- \$14,100 for election costs in the Eastern District.